

REMARKS

Claims 2-22 and 24-33 are currently pending. Claims 1, 23 and 34 are canceled. Claims 2, 14, 24 and 33 are amended. Support for the amendments may be found in the specification, *passim*, including at page 8, lines 3-12 and at page 20, lines 14-15.

Claim Rejection Under 35 U.S.C. § 112

The Examiner introduces the rejection of dependent claim 33 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as her invention. Claim 33 was added by Applicant in her previous Amendment and Response. The Examiner noted an inability to find a basis for "a tack no greater than 2.0 grams." Applicant offers an amendment to claim 33 that more clearly sets forth a preferred range for the tack of the claimed sealant materials. Support for the recited range may be found, *inter alia*, on page 20 of the specification at lines 14-15.

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner continues the rejection of claims 2-22 and 24-31 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,099,088 (Usami) in view of European Patent No. 971 369 (De Ridder) and optionally further in view of Mastsumoto (JP 63-280766). The Examiner maintains the rejection on substantially the same grounds as set forth in the previous, final Office Action dated September 21, 2005. In short summary, the Examiner relies on the disclosure of the Usami reference for teaching the structural aspects of the rejected claims and on the De Ridder and Mastsumoto references for teaching the particular selection of the recited sealant materials.

To facilitate prosecution of the application, Applicant offers amendments to independent claims 2, 14 and 24 that recite the feature of canceled claim 34, *viz.*, that the sealant material is present within less than the entire interior of the container. Usami, whether alone or in combination with either De Ridder or Mastsumoto, neither teaches nor suggests this feature of the rejected claims, a fact presumably recognized by the Examiner in failing to assert Usami against claim 34. For at least these reasons, Applicant respectfully asserts that each of claims 2-22 and 24-31 are patentable over the cited references and accordingly requests reconsideration and withdrawal of the rejection.

The Examiner also introduces the rejection of claim 32 under 35 U.S.C. § 103(a) as obvious over Usami in view of De Ridder and the rejection of claim 34 under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,529,508 (Chiotis) as evidenced by U.S. Patent No. 5,079,300 (Dubrow et al.) and in view of De Ridder.

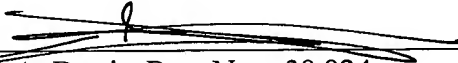
Applicant respectfully traverses the rejection of claim 32 for substantially the same reasons as with the previous obviousness rejections. The rejection of claim 34 is rendered moot by Applicant's cancellation of the claim.

Conclusion

In view of the above amendments and arguments, Applicant respectfully submits that the application is in condition for allowance. Applicant therefore solicits its reconsideration and allowance.

Respectfully submitted,

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